

**REGULAR MEETING OF THE JASPER COUNTY BOARD OF COMMISSIONERS**  
**May 4, 2015**

The Jasper County Board of Commissioners met this date at 8:15 A.M. in the Commissioners' Room, Suite 202, of the Jasper County Courthouse located at 115 West Washington Street, Rensselaer, Indiana, with the following members present: Kendell Culp, Richard E. Maxwell and James A. Walstra. Also present was Auditor, Kimberly K. Grow; Deputy Auditor, Donna J. Horner; Highway Engineer/Supervisor, Jack R. Haberlin and the Attorney who represents the Commissioners, Eric Beaver. The meeting was called to order and those present stood and recited the Pledge of Allegiance led by Patrick Donnelly, Veteran Service Officer.

CLAIMS: In regards to the Public Defender Fund, Mr. Culp had a question regarding additional attorneys for conflict of interest. If there is a conflict, apparently they have to appoint another attorney. Why don't they use one of the other six that are already getting paid to be on retainer? Attorney Ed Dumas, Public Defender Board, replied that he does not know. The only possible answer is that the other pauper attorneys are somehow involved in the same case or cases and that they would be conflicted out as well. Either Judge Potter or Judge Ahler would be able to answer that question.

Due to the unknown status of the hospital, the monthly checks have been withheld. A phone call was recently received from Jeff Webb, Jasper County Hospital, requesting that the funds be released as they are needed for maintenance work. Mr. Maxwell made the motion to approve the claims as submitted with the addition of the January, February, and March checks to the hospital. Mr. Walstra seconded and the motion carried.

MINUTES: Mr. Walstra made the motion to approve the Minutes of the Regular Meeting held on April 6, 2015. Mr. Maxwell seconded and the motion carried.

PAYROLL CLAIM & ALLOWANCE DOCKET(S): Mr. Walstra made the motion to approve the Payroll Claim & Allowance Dockets for the check dates equal to April 15, 2015 and April 30, 2015. Mr. Maxwell seconded and the motion carried.

BURIED CABLE PERMITS: Mr. Maxwell made the motion to approve the following buried cable permits as submitted by CenturyLink, Nitco and Comcast. Mr. Walstra seconded and the motion carried.

CENTURYLINK:

ACT #719322

For the purpose of placing buried fiber optic cable allowing for upgraded services in Kankakee Township. There is no tile in the area. (Permit #695)

NITCO:

ACT #15-003

For the purpose of an upgrade in Keener Township. There is no tile in the area. (Permit #696)

COMCAST:

ACT #042815

For the purpose of providing service to a new customer at 3823 West CR 1800 South in Carpenter Township. There is tile in the area. (Permit #697)

ANIMAL SHELTER / REPLACEMENT OF DOOR: Pat Williamson, Animal Control Board, presented an estimate from Schuh Construction to replace the door to the cat room. The door has a large hole in the door frame and does not have a handle. It is also rusted through in many places. Mr. Walstra made the motion to approve the replacement of the door. Mr. Maxwell seconded and the motion carried.

PART-TIME POSITION / ANIMAL SHELTER: Mr. Williamson requested permission to refill the part-time kennel position. This position would cover weekends and holidays. Mr. Maxwell made the motion to approve the request. Mr. Walstra seconded and the motion carried.

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ANIMAL CONTROL / REDEMPTION FEE: The Animal Control Board has requested that Section 74.06 (A) be amended to read “An owner redeeming an impounded dog or cat shall pay to the County or its agent a redemption fee of twenty-five dollars (\$25.00) plus ten dollars (\$10.00) for each additional day before such animal is released to such owner by the County Animal Control Agency.” The daily fee is currently \$6.00. Mr. Maxwell made the motion to proceed with the advertising of the ordinance. Mr. Walstra seconded and the motion carried.

PRAIRIE RIDGE SUBDIVISION / CONCERNS: Matthew Lubarski, concerned citizen, stated that he was present at the October, 2014 meeting in regards to the overgrown weeds on the undeveloped lots within Prairie Ridge Subdivision. Out of the fifteen homes within the subdivision, three of them are currently up for sale. Mr. Lubarski believes that the reason the homes are up for sale is probably due to the problems that exist within the subdivision. We are now beginning to experience collapsed sewers or drains. Bryan Overstreet, Extension Educator, has identified two of the weeds as those listed on Table 1 of the list of noxious weeds constructed for Indiana seed laws. The two weeds identified were Quackgrass (listed as prohibited) and Horsenettle (listed as restricted). Mr. Lubarski stated that Commissioner Culp did contact the developer after the October meeting and was told by the developer that he would cut the grass; however, the grass was not cut. The developer has stated that he mows the lots 1-2 times per year. Mr. Culp asked Mr. Lubarski if he had contacted the Surveyor’s office in regards to the collapsing drains? Mr. Lubarski replied that he had; however, Mr. Urbano never returned the phone call. Mr. Culp stated that there is a maintenance fund on that subdivision for those drains. The Surveyor’s office will be contacted in regards to starting the process. Mr. Culp stated that the frontage in that subdivision is owned by Wheatfield Township. These lots are not being maintained as well. Mr. Culp suggested that a letter be sent to the Township Trustee on behalf of the Commissioners. Mr. Walstra will also speak with the developer of the subdivision.

CERTIFICATE OF APPOINTMENT / JASPER COUNTY HOSPITAL ASSOCIATION: Mr. Maxwell made the motion to approve the Certificate of Appointment for the following members of the Jasper County Hospital Association: James J. Moore, Carole J. Beaver, Beth Ryan, Rich Arnold and Steve Bailey. Mr. Walstra seconded and the motion carried.

PUBLIC WORK SESSION: Attorney Ed Dumas, Jasper County Hospital Board, stated that a public work session will be held with the Jasper County Board of Commissioners, Jasper County Council and the Jasper County Hospital Board in regards to an Asset Purchase Agreement between the Hospital and Franciscan Alliance. The work session will take place at the Jasper County Fairgrounds on Wednesday, May 13 at 7:00 p.m.

PAYROLL / FINANCIAL SOFTWARE / LOW: Kim Grow, Auditor, recently requested permission to purchase new payroll / financial software for the county. On behalf of Low Associates, Andrew Low was present to answer any questions that the Commissioners might have in regards to the software package they offer. Mr. Low stated that Low Associates currently services 46 counties within the State of Indiana. Included within the price is a budget projection system which is created to flow with the Indiana budget cycle and streamline data entry. Attorney Beaver has reviewed the contract. Further discussion took place. In closing, Mr. Low stated that he realizes that this is a decision that all counties struggle with because it is a lot of money. The only thing that I can say in response to that is that Low has a 100% retention rate. We have never lost a county Payroll/Financial customer. Mr. Walstra made the motion to proceed with the purchase of new financial software from Low Associates. Mr. Maxwell seconded and the motion carried.

RECORDER / MEDIA CONVERSION: Beth Warren, Recorder, explained that the previous Recorder implemented a project (media conversion) several years ago that allows for the microfilm images to be put onto the computer. Ms. Warren stated that she would like to proceed with the next phase of the project. Greg Sullivan, Fidlar, stated that the goal that has been set for this project is to go back 50 years. The eventual goal is to go back to the 1800s. Mr. Sullivan explained that there is great potential to make a significant amount of money by having the convenience of the records being available online. As an example, Whitley County (comparable to Jasper County in terms of population) makes approximately \$12,000.00 per year on their online services. Some of the fees charged are mandated by statute. The project cost will include onsite scanning. Mr. Sullivan recommended 24-hour access to the building which would allow them to complete the job in approximately one week to ten days. Having 24-hour access will save approximately \$4,000.00 to the project.

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RECORDER / MEDIA CONVERSION CON'T: In addition to the scanning of the books and the jackets, Mr. Sullivan recommended that the film sleeves be put into new jackets. Ms. Warren would like to save a significant amount of money by having her staff “re-jacket” the images before the project. Ms. Warren stated that she would like to possibly hire a part-time high school student to work during the summer hours. The current staff would also work on the project during times that they are not busy. The Estimated Investment Summary: Professional Services Rendered is as follows:

Digital Scan & Capture & re-Jacketing	\$ 40,050.36
gulfStream Image Enhancements	\$ 15,096.80
gulfStream Border Removal, Group & Name	\$ 15,096.80
Project Resource Management & Import	<u>\$ 9,131.71</u>
 TOTAL INVESTMENT:	 \$ 79,375.67
Option B: County staff re-jacket microfilm	\$ 62,816.00

Ms. Warren explained that she has approximately \$40,000.00 available within the “County Identity Security Protection Fund”. Every time a document is recorded, a certain amount has to go into this fund. The fund is self-supporting and is limited as to what the money can be spent on. Ms. Warren stated that she is fine with doing the project in increments rather than doing the entire 30 years all at once. In response to a question from Mr. Maxwell, Ms. Warren replied that approximately \$3,500.00 - \$4,000.00 is put into the fund each year. If done in increments, the first phase would consist of scanning all 30 years; however, only 10 years would be processed. The cost for the first phase would be approximately \$37,000.00. Mr. Culp suggested that Ms. Warren ask for some additional funds from the Council. Ms. Warren stated that she also has her Perpetuation Fund; however, she is a little hesitant to do the whole project at once. Mr. Maxwell made the motion to approve the first phase of the project at an approximate cost of \$37,000.00 to be paid out of the “County Identity Security Protection Fund”. Authority was also given to the Recorder to use money out of the Perpetuation Fund to keep the project going. Mr. Walstra seconded and the motion carried. Next, Ms. Warren requested permission for Fiddler to have 24-hour access during the time that they are scanning the images. Approval was given.

SHERIFF / REPLACEMENT OF POSITIONS: Sheriff Terry Risner stated that his part-time employee that works at the North Annex will be leaving due to medical reasons. There is funding available for this position. Sheriff Risner stated that he also has a Senior Communications Officer that will be leaving to take another position. There is a current part-time Communications Officer that is interested in moving up to the full-time position. The part-time kitchen employee has also moved up to the recently vacated full-time kitchen position. Mr. Walstra made the motion to approve the replacement of the following three (3) part-time positions: Communications Officer, Kitchen, and Annex. Mr. Maxwell seconded and the motion carried.

Sheriff Risner has spoken with Andy Boersma, Coroner, in regards to the part-time employee at the Annex working in conjunction with the Coroner’s office. Mr. Boersma stated that he would like to make this part-time employee a Deputy Coroner. This would bring the total number of Deputy Coroners to twelve (12). The position would need to remain under 1560 hours per year. Mr. Maxwell made the motion to approve the position. Mr. Walstra seconded and the motion carried.

GENERATOR / MORGUE & NORTH ANNEX: Sheriff Risner stated that he can pay approximately 40% of the generator cost out of the Asset Forfeiture Fund. This percentage is based on the amount of usage by the Sheriff/Annex. The 40% would amount to approximately \$12,000.00-\$14,000.00. Sheriff Risner stated that he is also willing to pay the maintenance agreement on the generator which runs approximately \$195.00 per year. The remaining cost balance for the generator will be approximately \$18,000.00-\$20,000.00. Mr. Culp asked if there would be any possible trade-in value on the generator that came from the old jail facility? Andy Boersma, Coroner, replied that they will have Kevin Moore, Moore Electric, check into a possible trade-in.

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BIDS RECEIVED / BITUMINOUS EMULSIFIED ASPHALT FOR 2015: The following bids for Bituminous Emulsified Asphalt for the year 2015 were opened at 10:00 A.M.

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|--------------------------------|----------------|
| (1) Asphalt Materials, Inc.    | Warsaw, IN     |
| (2) Bit-Mat Products           | Ashley, IN     |
| (3) Central Paving             | Logansport, IN |
| (4) Great Lakes Chloride, Inc. | Warsaw, IN     |

Mr. Maxwell made the motion to accept all bids as presented. Mr. Walstra seconded and the motion carried.

At this time, there was a short break.

ECONOMIC DEVELOPMENT ORGANIZATION: Kevin Kelly, Economic Development Organization, was present to introduce Sheila Schroeder as the new Director of Tourism and Community Relations.

COUNTY-OWNED STRIP OF LAND / HURST: During the April 6, 2015 meeting, Attorney Beaver suggested that adjacent property owners be given the opportunity to submit an offer to purchase the 20' strip of land acquired by the Commissioners through a tax deed in 1941. Certified letters were sent to all adjacent property owners; however, no offers to purchase were received. Since no offers were received, Attorney Beaver stated that he doesn't believe that there is any more for the County to do. Victoria Riffe, adjacent landowner, stated that the 20' was deeded over to Mr. Holmes (currently Hurst property) several years ago. Attorney Beaver stated that a title search would need to be done to have a definitive answer. According to the county records, the owner is currently showing as Jasper County. After further discussion, it was clarified that Ms. Riffe was referring to a separate parcel. Due to lack of interest, the strip of land will remain in the county's name.

CITIZEN CONCERNS / SEEGERs: Bernard Seegers, concerned citizen, stated that the he is required to get flood insurance on his house over violations that he feels occurred by the County. Mr. Seegers stated that he does not want to get into a lot of details because it is all very complicated. A letter from the DNR was written to Mr. Seegers on January 24, 2012 in reference to a telephone call in which information was requested regarding several sites located within Jasper County. Copies of the letter were distributed for the Commissioners' review. Mr. Seegers stated that Ordinance No. 11-03-2008 states that you cannot take a natural barrier away. The barrier was taken away and now there is no way that I can get a flood certificate. How is the County going to handle this for me? A "packet" of information was presented with a request that it all be entered into the minutes. (See Attached) Mr. Culp asked Mr. Seegers what he was asking for? Mr. Seegers replied that he has to have flood insurance by the 15<sup>th</sup> or they will foreclose on his property. The County created this problem. Moving the sand ridge put my property in the flood plain of the Kankakee River. Under Item #4 within the DNR letter written on January 24, 2012, it states that "Since the sand dune ridge is not located within a flood way, any work in this area did not require a permit from the Department of Natural Resources. Construction activities at this site would be subject to local regulations, if applicable". Mr. Seegers stated that it is "applicable" according to what you signed in the ordinance. After further discussion, Mr. Culp stated that they will need to take the information to a certified land surveyor for an interpretation.

PUBLIC COMMENT / FROST LAW: Steve Arwood, a resident of Georgetown Estates, expressed concern with the lack of enforcement with the current frost law as well as issues within the subdivision he resides. Ms. Arwood stated that the subdivision has protected covenants that aren't being enforced. There is a semi parked on the street and the entire main street of the subdivision is all torn up. Mr. Culp asked if the covenants are supposed to protect from having the trucks parked there? Ms. Arwood replied that they do not know even know who is enforcing the covenants. Mr. Culp replied that the Commissioners do not enforce subdivision covenants. In regards to the frost law, it is the goal of the Commissioners to have something more solid in place before next winter.

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PUBLIC COMMENT / SEEGERs: Bernard Seegers stated that he made a phone call in regards to the County hauling black dirt. Can you bring me up to date on what transpired after that? Where was the dirt going? Mr. Culp replied that the dirt was going to the river. The project was funded by the Kankakee River Basin Commission (KRBC). Mr. Seegers asked who gave them permission to use county trucks for the hauling? Mr. Culp replied that the Surveyor spoke with the County Highway.

COUNTY BRIDGE INSPECTION CONTRACT / SUPPLEMENT: It has been determined by INDOT that a supplement of the previously executed INDOT/COUNTY Bridge Inspections Contract is necessary due to additional bridge inspections for 3 bridges with a rating of 4 or lower and therefore a change in the amount of Federal aid allocated to the project. Mr. Walstra made the motion to approve the INDOT/County Bridge Inspection Contract Supplement Number 1. Mr. Maxwell seconded and the motion carried.

AUDITOR / SPRING CONFERENCE: Kim Grow, Auditor, has requested permission for herself and one deputy to attend the Spring Auditor's Conference in Indianapolis on May 19 - 22. The costs will include registration fees, meals and lodging. The county vehicle will be used. Mr. Maxwell made the motion to approve the request. Mr. Walstra seconded and the motion carried.

CLERK / CONFERENCE: Vickie Bozell, Clerk, has requested permission for herself and one deputy to attend the 2015 Clerk's Conference in Indianapolis on June 29 - July 2. The costs will include registration fees, lodging and meals. The county vehicle will be used. Mr. Walstra made the motion to approve the request. Mr. Maxwell seconded and the motion carried.

VETERAN / MEETING: The quarterly meeting with Asera Care scheduled for April 7 was cancelled and has been rescheduled. The new date is May 12 in Valparaiso. The county vehicle will be used. Mr. Maxwell made the motion to approve. Mr. Walstra seconded and the motion carried.

COMMUNITY CORRECTIONS / TRAINING: William Wakeland, Director/Community Corrections, stated per letter that either Justin Baggerly or Wanda Schultz will be attending "Thinking for a Change" Instructor Training in Indianapolis from June 8-12. There is no cost for the training. The hotel room and meals will be paid out of Project Income. Mr. Walstra made the motion to approve. Mr. Maxwell seconded and the motion carried.

PROBATION OFFICERS / TRAINING: Judge John Potter stated per letter that all Probation Officers will be attending annual Probation Officer Training in Indianapolis on May 6 & 7. Mr. Maxwell made the motion to approve. Mr. Walstra seconded and the motion carried.

NIPSCO / ROAD RELOCATION: Mr. Culp stated that NIPSCO wants to begin some survey work on the new road and have requested the name of the engineering firm that did the preliminary work for the County. In response to a question from Mr. Haberlin, Ken Minett of Bulter, Fairman & Seufert replied that an agreement has not been presented. Mr. Maxwell made the motion to approve Butler, Fairman & Seufert as the engineering firm for the County subject to an agreement. Mr. Walstra seconded and the motion carried.

FROST LAW & ROAD BONDING: Mr. Culp stated that we had a mile of road that the guys hauled 21 loads of stone on. The next week they hauled another 35 loads on another mile of road and the road was still closed. There has to be an answer here. It's basically one entity and they are just not willing to work with us. Mr. Maxwell stated that he feels they should have to bond the road. Attorney Beaver stated that he will need some time to look into the County's rights and options.

HIGHWAY / UPDATE: Mr. Haberlin reported that they have received the new grinder. Also stated was that there was money available within the budget to hire two additional employees. Mr. Haberlin requested permission to hire additional help. Mr. Maxwell made the motion to allow the Highway Department to hire two (2) new employees. Mr. Walstra seconded and the motion carried.

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CUSTODIAN / COURTHOUSE: Beulah McEwen, Courthouse Custodian, has recently retired from her position. An ad has been placed within the local newspapers and applications are currently being taken. Mr. Culp will speak with RaeAnn Ploughe, Annex Custodian, in regards to cleaning the Courthouse until a replacement has been found.

EMPLOYEE BONDS: Mr. Walstra made the motion to approve the following employee bonds: Vince Urbano, Surveyor; Linda Armstrong, Deputy Auditor; Beth Warren, Recorder; Karen Wenrick, Deputy Recorder; and three (3) Deputy Recorders. Mr. Maxwell seconded and the motion carried.

LITTLE COUSIN JASPER FESTIVAL / SMOKE FREE: The Little Cousin Jasper Festival Committee would like to make the festival a smoke-free event. The Commissioners are fine with the decision; however, the committee will need to be the ones to enforce it.

HOSPITAL BOARD OF TRUSTEES: A letter dated April 27, 2015 was received from Matt Robertson stating that he is resigning his position as trustee for the Jasper County Hospital due to personal reasons. The decision was made to not replace the appointment at this time.

RECYCLE TRAILER / REMINGTON: Mr. Maxwell stated that we are in need of someone to take care of the recycle trailer in Remington. Mr. Culp will speak with Sharon Colee, Jasper County Community Services, in regards to a possible replacement.

INDOT / LETTER OF SUPPORT: A letter was recently received from INDOT requesting comments regarding any possible environmental effects associated with the proposed project on US 231 at the intersection with County Road 700S in Marion Township. Mr. Culp drafted a letter of support to be sent to INDOT. Mr. Maxwell made the motion to approve the letter. Mr. Walstra seconded and the motion carried.

FEDERAL GRANTS / ADMINISTRATION PROCESS: Attorney Beaver stated that, upon review of how the federal grants are administered, the Justice Department has had some issues with the process. Auditor Grow was given a sample to be used for guidance that Attorney Beaver felt was extremely unhelpful as far as what they would like for the County to do. Attorney Beaver sent a letter at the beginning of April requesting more specific guidance. Upon no response from the letter, an email was sent as a follow-up. Attorney Beaver suggested that the County consider having a financial consultant look at the audit findings to see if they would have any recommendations as to what the county should implement taking into account that the County does already have the claims process.

There being no further business, Mr. Walstra made the motion to continue the meeting until Monday, May 18, 2015 on an as needed basis only. Mr. Maxwell seconded and the motion carried.

JASPER COUNTY BOARD OF COMMISSIONERS:

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Kendell Culp, President

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James A. Walstra, Vice President

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Richard E. Maxwell, Member

ATTEST:

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Kimberly K. Grow, Auditor of Jasper County

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